IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5821 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT SPINNERS LTD

Versus

STATE OF GUJARAT

Appearance:

NANAVATI & NANAVATI for Petitioners

NOTICE SERVED for Respondent No. 1

MR MD PANDYA for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 23/02/2001

ORAL JUDGEMENT

By means of filing this petition under Article 226 of the Constitution, the petitioners have prayed to issue a writ of mandamus or any other appropriate writ or

order, directing the respondents to allow 10% concession on H.T. charges till March 26, 1989 in view of the provisions contained in Clause (15) of Tariff for supply at high voltage.

2. Clause (15) of the Tariff for supply at high voltage provides for concession to new industries and Explanation (ii), inter-alia, provides that the decision of the Chairman of the Board or the officer of the Board authorised by him in this behalf, whether or not an industry is eligible to get this concession, shall be final and binding to the consumer. In view of what is provided in Explanation (ii) to Clause (15) of the Tariff for supply at high voltage, learned counsel for the petitioners on instructions of the petitioners, seeks permission to withdraw the petition with a view to making an appropriate representation to the Chairman of the Board for claiming 10% concession on H.T. charges till March 26, 1989. The petitioners are directed to make an appropriate representation before the Chairman of the Board on or before March 9, 2001. The Chairman of the Board is directed to consider the representation which may be made by the petitioners as early as possible and preferably within two months fromthe date of receipt of the representation,in accordance with law.

Subject to foregoing directions, permission to withdraw the petition is granted. Rule is discharged with no order as to costs. The petition stands disposed of as withdrawn.

(J.M.Panchal,J.)

(patel)